

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LEE KLEENSANG,

Defendant.

8:12CR56

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's notice of appeal (Filing No. 129) and the copy of the memorandum submitted by the Clerk regarding in forma pauperis status (Filing No. 130).

The Defendant represented himself in this Court. He timely filed his notice of appeal without the assistance of counsel. He has not submitted an appeal fee or a motion for leave to proceed in forma pauperis together with the required affidavit that meets the criteria specified in Rule 24(a)(1). The Defendant is not excepted from this requirement, as he did not request appointed counsel in this Court and therefore was not determined under Federal Rule of Appellate Procedure 24(a)(3) to be financially unable to obtain an adequate defense in this Court.

Federal Rule of Appellate Procedure 24(a)(1) provides that a defendant requesting leave to proceed on appeal must file in district court a motion for leave to proceed in forma pauperis and attach an affidavit that, in pertinent part, "shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or give security for fees and costs." Fed. R. App. P. 24(a)(1)(A). If the Defendant submits a motion and affidavit as required by Rule 24(a)(1), the Defendant's request will be

reconsidered. Alternatively, the Defendant may file a motion for leave to proceed in forma pauperis and affidavit in the Eighth Circuit Court of Appeals under Federal Rule of Appellate Procedure 24(a)(5).

IT IS ORDERED:

1. The Defendant is denied, without prejudice, leave to proceed in forma pauperis on appeal; and
2. The Clerk is directed to mail a copy of this order to the Defendant at CCA Leavenworth Detention Center, 100 Highway Terrace, Leavenworth, KS 66048.

Dated this 10th day of October, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge